

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

JOANN WRIGHT HAYSBERT,

Plaintiff,

v.

Civil Case No.: 4:20-cv-00121

BLOOMIN' BRANDS, INC., et al,

Defendants.

**MOTION AND MEMORANDUM IN SUPPORT FOR LEAVE TO FILE
PLEADING IN EXCESS OF TWENTY (20) PAGES**

COMES NOW, Nazareth M. Haysbert ("Mr. Haysbert"), an interested party, by and through undersigned counsel, and moves this honorable Court for leave to file the simultaneously filed Memorandum in Support of Motion to Reconsider, Alter or Amend the Court's Order Imposing Sanctions which exceeds the twenty-page limit imposed by Local Rule 7(F)(3) by six (6) pages (including the Certificate of Service page), and in support thereof, provides the following Memorandum in Support.

MEMORANDUM IN SUPPORT

On July 8, 2024, this Court issued its decision on Defendants' Motion for Sanctions (ECF Nos.: 326-327). The Court concluded that Mr. Haysbert should be sanctioned under 28 U.S.C. § 1927 for having unreasonably and vexatiously multiplied the proceedings by misrepresenting that he intended to call three expert witnesses to testify (Op. Tr. 20:5-25:19), and memorialized its decision in a short Order, dated July 9, 2024. ECF No.: 378. The inferences supporting the Court's decision are flawed because Mr. Haysbert never misrepresented his intentions with respect to calling the expert witnesses, and Mr. Haysbert is asking *inter alia*, this Court to consider evidence it should have had at its disposal during the proceedings. The basis for this

unusual request is outlined at length in the Memorandum in Support of the Motion to Reconsider, Alter or Amend the Court's Order Imposing Sanctions in an effort to provide the Court with the full and proper context of the request and to properly and adequately outline the issues.

WHEREFORE, interested party Nazareth M. Haysbert, by and through undersigned counsel, hereby respectfully requests that this Court grant him leave to file the Memorandum in Support of the Motion to Reconsider, Alter or Amend the Court's Order Imposing Sanctions that exceeds the twenty-page limit imposed by Local Rule 7(F)(3) by a total of six (6) pages (including the Certificate of Service page), and for such further relief as the Court determines necessary.

Respectfully submitted,

Date: August 6, 2024

By: _____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of August 2024, I will electronically file the foregoing with the Clerk of Court using the CM/EMF system, which will send a notification of such filing (NEF) to all counsel of record, including:

John D. McGavin, Esq.
MCGAVIN, BOYCE, BARDOT,
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Counsel for Defendants

I FURTHER CERTIFY that I will send the document by electronic mail and U.S. Mail to the following non-filing user:

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Pro Se Plaintiff

_____/s/_____
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